

MINUTES  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
Tuesday, July 5, 2011  
Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, K. Holt, G. Lewis, P. Plante, B. Pociask,  
Members absent: J. Goodwin, R. Hall, B. Ryan  
Alternates present: K. Rawn, V. Ward  
Alternates absent: F. Loxsom  
Staff Present: Linda M. Painter, Director of Planning and Development

Chairman Favretti called the meeting to order at 8:00 p.m. He appointed alternates Ward and Rawn to act in members' absence.

**Minutes:**

06-20-11- Plante MOVED, Pociask seconded, to approve the 6/20/11 minutes as written. MOTION PASSED UNANIMOUSLY. Ward noted that she listened to the recording of the meeting.

**Zoning Agent's Report:**

Noted.

**Continued Public Hearing:**

**4-Lot Subdivision Application, (3 New Lots) Wormwood Hill & Gurleyville Roads, S. Plimpton o/a, PZC File #1298**

Chairman Favretti opened the continued Public Hearing at 8:04 p.m. Pociask disqualified himself. Members present were Favretti, Beal, Holt, Lewis, Plante, and alternates Rawn and Ward, both appointed to act. Painter noted in addition to revised plans dated 6/20/11, the following communications were received and distributed to the Commission: a 6/7/11 letter from S. Plimpton granting an extension; a 6/7/11 letter from Mr. & Mrs. Potz; a 6/29/11 report from the Wetlands Agent/Assistant Town Engineer; and a 6/30/11 report from Linda M. Painter, Director of Planning and Development.

Douglas Bonoff, land surveyor; Paul Biscuti, engineer; and Scott Plimpton, applicant, were present.

Douglas Bonoff agreed to have the testimony of the Public Hearing at the Inland Wetlands Agency public hearing entered into the record of the Planning and Zoning Commission Public Hearing.

Paul Biscuti reviewed the changes made to the 6/20/11 plans based on comments and recommendations from the staff, Commission and the public. He referenced the BAE and DAE changes on Lot 3 that now will be defined by stone walls.

Holt requested verification that the open space dedication is acceptable to staff and questioned the wording of the easements. Holt also expressed concern for the amount of water being channeled down the driveway and into Wormwood Hill Road from Lot 4. It was confirmed that the catch basins are standard size and that the width of the driveway is 16 feet and will be paved for 300 feet on the steepest slope. The applicant agreed to have draft easement language on the plan for the next meeting

Rawn asked Biscuti to indicate the drainage location on the Gottman property from Driveway A.

Cliff Gottman expressed concern with the driveway being closer to his property and its effects on drainage to his land. He was told the change in location was only due to lessen the cost to the applicant and not to improve drainage.

Favretti expressed concern that about one third of the stone walls are being disturbed. He requested notations on the plans as to where these walls will be relocated. Biscuti agreed to depict the relocated stone walls on a revised set of plans.

Plante MOVED, Holt seconded, to continue the Public Hearing to the 7/18/11 meeting. MOTION PASSED with all in favor except Pociask who had disqualified himself.

**Old Business:**

**1. Gravel Permit Renewals: Banis property on Pleasant Valley Road File #1164; Hall property on Old Mansfield Hollow Road File #910-2; Green Property, 1090 Stafford Road PZC File #1258**

**Banis property on Pleasant Valley Road File #1164**

Holt moved, Plante seconded, to approve with conditions the special permit renewal application (file 1164) of Steven D. Banis for the removal of approximately 7,500 cubic yards of excess material from Area #3 to be used for agricultural purposes on property located at Pleasant Valley Farm, Pleasant Valley Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated 6/1/05 revised through 5/5/11, accompanied by a 4/8/11 and a 6/14/11 letter, and as presented at Public Hearings on 6/6/11 and 6/20/11. This approval is granted because the application as hereby approved is considered to be in compliance with Article X, Section H, Article V, Section B, and other provisions of the Mansfield Zoning Regulations, and is granted subject to the following conditions:

1. The applicant shall implement the suggestions and recommendations for soil and erosion control contained in a 7/12/00 letter from David Askew, District Manager of the Tolland County Soil and Water Conservation District, Inc. This work includes the stabilization of areas adjacent to watercourses, the stabilization of the largest intermittent stream channel, the phasing of land-disturbing activity to minimize periods of soil exposure and the revegetation of disturbed areas.
2. No blasting or excavation work shall take place within fifty feet of a property line. Particular care shall be taken in meeting this requirement adjacent to the Wadsworth property.
3. All work shall be conducted between 7 a.m. and 7 p.m. Monday through Friday and between 9 a.m. and 7 p.m. Saturday. There shall be no blasting, excavation, loading of trucks or other work related to the Special Permit on Sundays.
4. All blasting work shall be subject to the permitting process administered by the office of the Fire Marshal. The applicant's blasting agent shall notify the Windham Airport prior to blasting activity pursuant to a schedule to be agreed upon by the blasting agent, Mansfield's Fire Marshal and the Windham Airport manager. In addition, the applicant shall place a temporary sign along Pleasant Valley Road at least twelve (12) hours prior to blasting activity. The sign shall note the anticipated period of blasting.
5. Based on the applicant's submissions, all material removed from site is to be trucked out of Mansfield. All trucks hauling material offsite shall use Pleasant Valley Road to Route 32 to Route 6, and all loads shall be covered during transit.
6. The site shall be maintained as follows:
  - A. There shall be no rock-processing equipment onsite;
  - B. There shall be no rock or stump burial onsite;
  - C. Onsite stockpiling shall be kept to a minimum to help prevent safety problems;
  - D. No topsoil shall be removed from the site;
  - E. The applicant shall submit bi-weekly erosion and sedimentation monitoring reports to the Zoning Agent until disturbed areas are revegetated;
7. Subject to compliance with all conditions, this permit shall be in effect until July 1, 2012;
8. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records.

MOTION PASSED with all in favor except Rawn who abstained.

### **Hall property on Old Mansfield Hollow Road File #910-2**

Holt MOVED, Rawn seconded, to approve with conditions the special permit renewal application of Edward C. Hall (file 910-2) for excavating and grading on property owned by the applicant, located off Bassetts Bridge Road, as submitted to the Commission and shown on a plan dated 5/28/11, and as presented at Public Hearings on 6/6/11 and 6/20/11. This renewal is granted because the application as hereby approved is considered to be in compliance with Article V, Section B and Article X, Section H of the Mansfield Zoning Regulations. Approval is granted with the following conditions, which must be strictly adhered to, due to potential adverse neighborhood impacts. Any violation of these conditions or the Zoning Regulations may provide basis for revocation or non-renewal of this special permit.

1. No activity shall take place until this renewal of special permit is filed on the Mansfield Land Records by the applicant. This approval for special permit renewal shall apply only to the authorized Phase I area of the site as modified by this approval which allows a northerly expansion of Phase 1.
2. This special permit renewal shall be effective until July 1, 2012;
3. Excavation activity shall take place only in accordance with plans dated 5/22/92, as revised to 5/28/11;
4. This permit renewal acknowledges that up to 500 cubic yards of clean topsoil may be brought onto the Phase 1 premises. Prior to depositing any topsoil/fill, the applicant shall contact the Assistant Town Engineer and identify the source of the topsoil material. The Assistant Town Engineer shall make a determination about the suitability of the material source and may require that it be tested for contamination. Only clean topsoil shall be brought in, and it shall be spread or stockpiled solely within the Phase 1 area.
5. All work shall be performed by Edward C. Hall or his employees. No other subcontractors or excavators shall excavate in or haul from this site. All work shall be performed using the equipment stated on said plans and in the applicant's Statement of Use;
6. No more than 8,000 cubic yards of sand and gravel or the amount of material remaining in Phase I, whichever is less, shall be removed per year;
7. In association with any request for permit renewal, the following information shall be submitted to the Commission at least one month prior to the permit expiration date:
  - A. Updated mapping, prepared by a licensed professional engineer, depicting current contour elevations and the status of site conditions, including areas that have been revegetated;
  - B. A status report statement that includes information regarding:
    - the amount of material removed in the current permit year and the estimated remaining material to be removed in the approved phase;
    - the planned timetable for future removal and restoration activity;
    - conformance or lack thereof with the specific approval conditions contained in this renewal motion.
8. This permit renewal denies the applicant's request to remove permit restrictions in the area depicted as "C" on the approved plan. These restrictions shall not be removed until completed areas of Phase 1 are graded and stabilized per the 5/22/92 Land Reclamation Plan. The existing area to the south and southeast of the approved excavation phase shall be retained in its existing wooded state. This area provides a buffer between the subject excavation activity and neighboring residential uses and is deemed necessary to address neighborhood impact requirements. The buffer shall extend southerly from the approved Phase I area to the Stadler-McCarthy property and shall extend southeasterly along the Gray and Dyjak properties to Mansfield Hollow Road Extension. The southeasterly extension shall have a minimum width of 50 feet (see Article X, Section H.5.e);
9. Topsoil:
  - A. A minimum of 4" of topsoil shall be spread, seeded and stabilized over areas where excavation has been completed;

- B. No loam shall be removed from the property. All stockpiled loam presently on the site shall be used for restoration of the area where gravel is removed.
10. In order to ensure that dust does not leave the site, erosion and sedimentation controls and site restoration provisions as detailed in the plans shall be strictly adhered to and the following measures shall be implemented:
- A. No more than 1.5 acres shall be exposed at any one time;
  - B. Both roads shall be kept dust-free and maintained to trap fine material and to keep the gravel surface of the road clean. A tracking pad at least 50' in length shall be installed and maintained at the haul road exit on Bassetts Bridge Road;
  - C. If the above measures do not control dust on the site as evidenced by complaints from nearby residents and verification by the Zoning Agent, dust monitors shall be installed immediately, with the advice of the applicant's engineer, and with their operation approved by the PZC;
  - D. The haul road shall be watered as necessary to prevent dust;
  - E. All loads shall be covered at the loading location;
  - F. There shall be no stockpiles of any material other than topsoil located outside the excavation area. Any stockpiles will be only as part of the daily operation of the excavation and shall not exceed 10 cubic yards in size. All stockpiled material shall be graded off and stored within the lower portions of the site in order to minimize any windblown transport.
11. In order to ensure that there is no damage to the major aquifer underlying the subject property and nearby wells, the following shall be complied with:
- A. Excavation shall not take place within 4 feet of the water table;
  - B. Materials stored onsite shall be limited to those directly connected with the subject excavation operation or an agricultural or accessory use authorized by the Zoning Regulations. Any burial of stumps obtained from the permit premises shall be in conformance with the DEP's regulations;
  - C. With the exception of manure, which shall be spread in accordance with the letter received at the 4/6/94 PZC meeting from Joyce Meader of the Cooperative Extension Service, no pesticides or fertilizers shall be applied unless a specific application plan is approved by the PZC. All operations to restore the subject site shall employ Best Management Practices as recommended by the Natural Resources Conservation Service and State Department of Environmental Protection for the application of manure, fertilizers or pesticides and the management of animal wastes;
  - D. No refueling, maintenance or storage of equipment shall be done onsite, in order to minimize the potential for damage from accidental spills;
12. In addition to Old Mansfield Hollow Rd, this permit renewal authorizes the use of a new haul road to Bassetts Bridge Road shown as "D" on the approved plan;
13. All zoning performance standards shall be strictly adhered to;
14. Approval of this permit does not imply approval of any future phase;
15. The existing cash bond plus accumulated interest shall remain in place until the activity has ceased and the area has been stabilized and restored to the satisfaction of the PZC;
16. Hauling operations and use of site excavation equipment shall be limited to the hours of 8:00 a.m. to 5:30 p.m. Mon.-Fri., and 8:00 a.m. to 1:00 p.m. on Saturday, with no hours of operation on Sunday;
17. The Planning and Zoning Commission waives the requirement of a map submission as per Condition #7A, but reserves the right to require it again if the conditions warrant;
18. This special permit shall become valid only after it is obtained by the applicant from the Mansfield Planning Office and filed by him upon the Mansfield Land Records.
- MOTION PASSED with all in favor except Plante who was opposed.

### **Green property, 1090 Stafford Road PZC File #1258**

Holt MOVED, Pociask seconded, to approve with conditions the application of K. Green (File # 1258) for a special permit renewal for gravel removal activity at 1090 Stafford Road. The approved area for new excavation is shown on maps dated 7/2/09 and authorized work is described in a 6/15/09 letter from the applicant, other application submissions, and testimony at Public Hearings on 6/6/11 and 6/20/11. This approval is granted because the application as hereby approved is considered to be in compliance with Article V, Section B and Article X, Section H of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. All disturbed areas shall be covered with a minimum of 4 inches of topsoil and revegetated as per regulatory requirements and application submissions. No topsoil shall be removed from site without prior authorization.
2. The haul route indicated on the 7/2/09 plans and approved by the Assistant Town Engineer shall be utilized. An anti-tracking pad shall be installed at the Route 32 intersection of the haul route.
3. Erosion and sedimentation controls shall be installed where necessary as determined by the Assistant Town Engineer/Inland Wetland Agent. Particular attention shall be given to the area where a haul road culvert will be placed.
4. Due to the agricultural nature of the subject application, the distance of the site activity from wetland/watercourse areas and the adequacy of submitted plans, no site development bonding shall be required at this time. The PZC reserves the right to require bonding if site development problems arise.
5. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records. If the subject excavation and site restoration work are not completed by 7/1/2012, renewal of this Special Permit shall be required.

MOTION PASSED UNANIMOUSLY.

2. **Special Permit, Restaurant Use, 82-86 Storrs Rd, College Mart o/a, PZC File #483-5**  
Tabled-pending 7/18/11 Public Hearing.
3. **Approval Request: Revised Plans for exhibit building Paideia Greek Theater Project, 28 Dog Lane, File #1049-7**  
Tabled-awaiting information from the applicant.
4. **Request to stop collecting bond escrow funds for Freedom Green Phase 4C, PZC File # 636-4**  
Tabled-awaiting information from the applicant.

### **New Business:**

1. **New Special Permit Application for proposed office building, North Frontage Road, K. Tubridy owner, United Services applicant, PZC File #1302**  
Rawn MOVED, Holt seconded, to receive the Special Permit application (file # 1302 ) submitted by United Services for a proposed office building on property located on the north side of North Frontage Road owned by K. Tubridy as shown on plans dated 6-27-11 as shown and described in application submissions, and to refer said application to staff and committees, for review and comments and to set a Public Hearing for 8-1-11. MOTION PASSED UNANIMOUSLY.
2. **Zoning Permit Application for Storrs Center -Post Office Road, PZC File #1246-9**  
Linda M. Painter, Director of Planning and Development, summarized her 6/30/11 memo and noted that there will be a Downtown Partnership Public Hearing on July 12, 2011 at 7:00 p.m. in the Council Chambers of the Audrey P. Beck Building. Painter requested that any comments be submitted to her prior to the PZC's July 18<sup>th</sup> meeting in preparation for her recommendation.

3. **2011 Summer Vacation Schedule- Consideration of Cancelling August 15<sup>th</sup> meeting**  
Holt MOVED, Ward seconded, to cancel the August 15, 2011 meeting due to vacation schedules.  
MOTION PASSED UNANIMOUSLY.

**Reports from Officers and Committees:**

None noted.

**Communications:**

None noted.

**Adjournment:**

Chairman Favretti declared the meeting adjourned at 9:12 p.m.

Respectfully submitted,

Katherine Holt, Secretary